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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC. Plaintiff, v. INNOVATIVE TECHNOLOGY DISTRIBUTORS LLC, HDLOGIX, VINCENT JAMES SPINELLA, LINDA SPINELLA and BRIAN CONWAY, Defendants.	CASE NO. 5:11-CV-01043-LHK (HRL) Consolidated for all purposes with Case No.: 5:11-cv-02135-LHK **STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

1   WHEREAS on May 14, 2012, Oracle filed a notice voluntarily dismissing its claims against

2   HDlogix without prejudice pursuant to FRCP 41(a)(1)(A)(i). *See Dkt. #146*.

3   Pursuant to FRCP 41(a)(1)(A)(ii), **IT IS** hereby **STIPULATED** and **AGREED** that all

4   claims asserted in this action in the First Amended Complaint against Defendants Vincent James

5   Spinella, Linda Spinella, and Brian Conway be, and hereby are, dismissed without prejudice.

6   **IT IS FURTHER STIPULATED** and **AGREED** that the Fourth, Fifth, and Sixth Causes of

7   Action asserted in Oracle's First Amended Complaint be, and hereby are, dismissed without

8   prejudice. Each party shall bear its own costs and attorneys' fees. This Stipulation of Dismissal

9   shall not apply to or affect any other cause of action or defendant.

10   **IT IS FURTHER STIPULATED** and **AGREED** that the remaining claims in the CV11-

11 1043 action are the First, Second, and Third Causes of Action against ITD. This Stipulation of

12 Dismissal shall not apply to or affect any cause of action in the CV11-2135 action..

13   Respectfully submitted,

14 Dated: June 11, 2012   SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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27   *Attorneys for Plaintiff Oracle America, Inc. and*
                            Oracle Corporation
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1 Dated: June 11, 2012   LOWENSTEIN SANDLER, PC

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12   *Attorneys for Defendants Innovative Technology Distributors,*
          LLC, Vincent James Spinella,
          Linda Spinella, and Brian Conway

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15   **GENERAL ORDER 45 ATTESTATION**

16 I, Robert S. Friedman, hereby attest, pursuant to N.D. Cal. General Order No. 45, that

17 concurrence to the filing of this document has been obtained from each signatory hereto.

18

19 Good cause appearing, it is **SO ORDERED**.

20

21 Dated: June 12, 2012

22   Hon. Lucy H. Koh
          United States District Court Judge

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STIPULATION OF DISMISSAL WITHOUT PREJUDICE
Oracle America, Inc. v. Innovative Technology Distributors LLC et al.
Case No. 5:11-CV-01043-LHK (HRL)